

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39070 of 2021

Arising Out of PS. Case No.-288 Year-2019 Thana- BARARI District- Katihar

1. SABANA KHATUN @ SHABANA KHATOON @ SABANU KHATUN
Daughter of Abdul Salam @ Abdus Salam Resident of Village- Marghia
Nichha Tola, P.S.- Barari, District- Katihar.
2. Tajkera Khatun @ Tajkera Khatoon @ Tajkira Begam ABDUL SALAM
ALIAS ABDUS SALAM Resident of Village- Marghia Nichha Tola, P.S.-
Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 323, 376, 354, 504, 506, 120(B)/34 of
the Indian Penal Code and 4 of POCSO Act.

The prosecution allegation, in short, is that both the
petitioners took victim to field where co-accused committed rape
upon her.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegation, co-accused namely Taufiq Alam is said to have committed rape upon the victim. The petitioners are ladies. They have been made accused in the present case for oblique reasons. The prosecution has not even disclosed the date of occurrence in the F.I.R. which casts doubt on the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Barari P.S. Case No. 288/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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